

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL NO.: <u>CR 23-1105 KG</u>
	)	
vs.	)	
	)	
MANUEL PINEDA MONTOYA,	)	
	)	
Defendant.	)	
	)	

**JOINT MOTION TO DECLARE CASE COMPLEX**

The United States, joined by Defendant Manuel Pineda Montoya, through his counsel, moves this Court to declare this matter a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). As grounds for this motion, the parties state:

On May 15, 2023, the defendant was arrested and charged by criminal complaint with multiple gun and drug violations. The defendant was remanded to the custody of the United States Marshal's Service to await disposition of his case. On August 1, 2023, a Grand Jury sitting in the District of New Mexico returned a 5-count indictment charging the defendant with multiple drug crimes involving the possession with the intent to distribute of over 50 grams of methamphetamine and the possession with intent to distribute of over 400 grams of fentanyl, in violation of 21 U.S.C. §§ 841 and 846. The indictment also charges the defendant with being a felon in possession of a firearm and with carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §§ 922(g) and 924(c).

The investigation of this case, and the numerous criminal cases that are related to it, lasted almost a year and involved multiple federal, state, and local agencies. The investigation

centered on the activities of the defendant in this case, his co-conspirators, and others, regarding the distribution or attempted distribution of large amounts of fentanyl, methamphetamine, and cocaine and their possession and trafficking of firearms. The investigation culminated with the arrest of approximately 12 defendants in related cases on August 1, 2023. The investigation included a five-month wiretap in which agents intercepted ten different phone lines used by the defendant and others. The discovery in this case is quite voluminous and complicated. The United States has already disclosed over 12,000 pages of discovery, along with thousands of recorded phone calls and text messages. Furthermore, there is still voluminous additional discovery that will be provided to the defendant, including audio and video recordings, reports, pictures, etc.

In order to provide counsel with a reasonable amount of time for effective preparation, to include reviewing all of the discovery with the defendant, the parties seek to vacate the Court's standard scheduling order, and to declare this case complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Based on the charges in the indictment, the defendant is facing a mandatory minimum sentence of 35 years. Due to the nature of the prosecution, this case is so complex that it is unreasonable to expect the defendant to adequately prepare for trial within the 70-day time limit established by 18 U.S.C. § 3161(c)(1).

A failure to grant this motion and require the defendant to proceed to trial within the 70-day time limit likely would result in a miscarriage of justice by denying the defendant adequate opportunity to review the evidence in this case, conduct his own investigations, and resolve any legal issues which may directly impact the outcome of this case.

Allowing time for such review and investigation may lead to the conservation of public and judicial resources, in that it may result in a resolution of the case without the need for trial.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties believe that the ends of justice served by granting this motion outweigh the best interest of the public and the defendant in a speedy trial.

In view of the complexity of this case and the fact that this case may require a significant period of time to resolve, appointed CJA counsel request that this Court permit interim billing.

WHEREFORE, based on the foregoing reasons, the United States and Defendant Manuel Pineda Montoya, through his counsel, request that the Court enter an order: (1) designating the above-captioned case as a complex case; (2) vacating any existing discovery orders and any other deadlines presently set in this case; (3) directing the parties to submit a proposed discovery and case management scheduling order; (4) tolling the time limits of the Speedy Trial Act, as it pertains to the defendant, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii); and (5) permitting interim billing by CJA appointed defense counsel.

Respectfully submitted,

ALEXANDER M.M. UBALLEZ  
United States Attorney

/s/ Electronically filed 8/18/2023  
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I HEREBY CERTIFY that I electronically filed the foregoing using the CM/ECF system which will send notification to defense counsel of record.

/s/ Filed Electronically  
RENEE L. CAMACHO  
Assistant United States Attorney